January 19, 2007

MAPPS v. U.S.

Legal Background Paper:

The Issues and the
Potential Consequences for the GIS Industry

Depending on its outcome, the case of *MAPPS v. United States*, currently pending in federal court in Alexandria, Virginia, could have drastic consequences for the entire mapping community, including the GIS industry. Simply put, an adverse outcome could lead to the exclusion of everyone but licensed engineers and surveyors from federal government contracts for "mapping" services of every sort and description – not just those mapping services traditionally performed by surveyors.

In the *MAPPS* case, four trade associations of engineers and surveyors are suing the U.S. Government, alleging that the government is awarding mapping contracts in violation of a federal law known as the Brooks Architect-Engineers Act. This law requires the government to use certain procedures when it awards contracts for "architectural and engineering" services, which include "surveying and mapping." The trade associations claim that this law extends not only to "surveying and mapping" services of the sort traditionally performed by surveyors, but to *all* mapping services – including those that the GIS industry provides.

If this claim prevails, it could affect not only GIS but also other mapping activities, potentially including GIS field data collection, internet mapping activities, geospatial data analysis, remote sensing, cartographic services, and map creation of almost any type. This is because the Brooks Act effectively restricts the award of all federal contracts for "architectural and engineering" services to firms licensed to practice either architecture or engineering. In short, the lawsuit threatens to hijack the GIS and related industries by excluding anyone and everyone *other* than licensed engineers or surveyors from receiving any type of federal mapping contract.

A court victory could have far-reaching consequences. It could damage many industries, programs and applications, ranging from federally-funded, mapping-related, academic research programs to major electric utility companies using GIS-based management programs; from urban planning to agricultural production; from environmental studies to national defense; and from archeology to homeland security. At the individual level, it could affect the enormous number of GIS and mapping scientists and professionals within the computer science, information technology, planning, forestry, and geographical sciences communities. At the societal level, it could stunt the dynamism, creativity, and innovation that has characterized the U.S. computerized mapping and GIS industry up until now, and in turn undermine the country's economic and technological competitiveness in the global economy.